

State Water Resources Control Board

Division of Drinking Water

January 3, 2017

System No. 3610009

Marina West
General Manager
Bighorn-Desert View Water Agency
622 Jemez Trail
Yucca Valley, CA 92884

CITATION NO. 05-13-17C-001

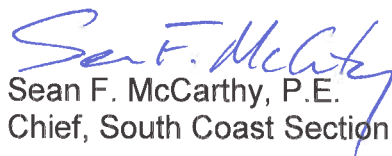
FAILURE TO MONITOR FOR DISINFECTION BYPRODUCTS FOR JULY 2016

Enclosed is a Citation issued to the Bighorn-Desert View Water Agency (hereinafter "Agency") public water system.

The Agency will receive a bill sent from the State Water Resources Control Board's (hereinafter "State Board") in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Agency for the current fiscal year.

If you have any questions regarding this matter, please contact Amanda Chapman of my staff at 909-383-4320 or me at 909-383-4328.

Sincerely,



Sean F. McCarthy, P.E.
Chief, South Coast Section

Enclosures

Certified Mail No. 7006 2150 0004 3940 8041

cc:

Marina West, Bighorn-Desert View Water Agency, via email at mwest@bdvwa.org

San Bernardino County Environmental Health Services, via email at
Jessica.Ballesteros@dph.sbcounty.gov

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Bighorn-Desert View Water Agency

Water System No: 3610009

Attention: Marina West

General Manager

622 Jemez Trail

Yucca Valley, CA 92884

Issued: January 3, 2017

CITATION FOR NONCOMPLIANCE
FAILURE TO MONITOR FOR DISINFECTION BYPRODUCTS
CALIFORNIA CODE OF REGULATIONS,
TITLE 22 SECTION 64534.2 (d)(3)
JULY 2016

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section

1 116270), or any regulation, standard, permit, or order issued or adopted
2 thereunder.

3
4 The State Board, acting by and through its Division of Drinking Water
5 (hereinafter "Division") and the Deputy Director for the Division, hereby
6 issues this citation pursuant to Section 116650 of the CHSC to the Bighorn-
7 Desert View Water Agency (hereinafter "Agency") for violation of California
8 Code of Regulations, Title 22 Section 64534.2 (d)(3).

9
10 A copy of the applicable statutes and regulations are included in Appendix 1,
11 which is attached hereto and incorporated by reference.

12 13 **STATEMENT OF FACTS**

14 The Agency is classified as a community water system with a population of
15 3,060, serving 1,938 connections. The Agency failed to collect annual
16 monitoring in July 2016 for Total Trihalomethanes (TTHM) and Haloacetic
17 Acids (HAA5) per the Disinfection Byproduct Rule. The letter dated October
18 3, 2014 sent to the Agency from the Division stated that the Agency was
19 approved for reduced annual monitoring of TTHM and HAA5 at two sites,
20 Station 1 (PS code 3610009-601) and Tank 10 (PS code 3610009-603)
21 where TTHM and HAA5s shall be monitored at each site in the month of
22 July.

23
24 The October 3, 2014 letter is in **Appendix 2**.

DETERMINATION

CCR, Title 22, Section 64534.2 (d)(3), Disinfection Byproducts Monitoring, Reduced Monitoring Frequency for TTHM and HAA5, states that a public water system that has been approved by the Division for reduced monitoring shall monitor at the approved reduced frequency. As per the letter dated October 3, 2014, the Agency was approved for reduced monitoring during the month of July at two Disinfection Byproduct sites.

The Agency did not sample for TTHM or HAA5 at the approved Disinfection Byproduct sites during the month of July for the 2016 compliance year. Therefore, the Division has determined that the Agency violated CCR, Title 22, Section 64534.2 (d)(3) for 2016.

DIRECTIVES

The Agency is hereby directed to take the following actions:

1. Comply with CCR, Title 22, Section 64534.2 (d)(3), in **all** future monitoring periods.
2. The Agency shall collect TTHM and HAA5 samples in **July 2017** for the approved Disinfection Byproduct sites as listed in the October 3, 2014 letter and report by electronic data transfer (EDT) to the Division.
3. By **December 31, 2017**, notify all persons served by the Agency of the violation of section 64534.2 (d)(3), in conformance with CCR, Title 22, Sections 64463.7 and 64465. Copies of Sections 64463.7 and 64465 are included in **Appendix 1**. The Notification Template in

1 **Appendix 3** shall be used to fulfill this directive, unless otherwise
2 approved by the Division.
3

- 4 4. Complete the Compliance Certification Form in **Appendix 4**. Submit it
5 together with a copy of the public notification to the Division on or
6 before **January 11, 2018**.

7
8 All submittals required by this Citation shall be electronically submitted to the
9 Division at the following address. The subject line for all electronic
10 submittals corresponding to this citation shall include the following
11 information: Water System name and number, citation number and title of
12 the document being submitted.

13
14 Sean F. McCarthy, P.E.

15 Dwpdist13@waterboards.ca.gov
16

17 The State Board reserves the right to make such modifications to this
18 Citation as it may deem necessary to protect public health and safety. Such
19 modifications may be issued as amendments to this Citation and shall be
20 effective upon issuance.

21
22 Nothing in this Citation relieves the Agency of its obligation to meet the
23 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter
24 4, commencing with Section 116270), or any regulation, standard, permit or
25 order issued or adopted thereunder.
26
27
28

PARTIES BOUND

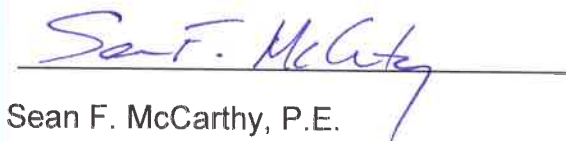
This Citation shall apply to and be binding upon the Agency, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

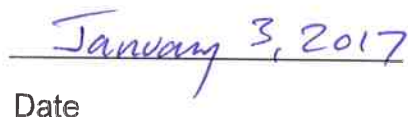
The directives of this Citation are severable, and the Agency shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this Citation.


Sean F. McCarthy, P.E.

Chief, South Coast Section


Date

1 Appendices (4):

- 2 1. Applicable Statutes and Regulations
- 3 2. October 3, 2014 Letter: Stage 2 Disinfectant/Disinfection
- 4 Byproduct Reduced Monitoring
- 5 3. Notification Template
- 6 4. Compliance Certification Form

7

8

9 Certified Mail No. 7006 2150 0004 3940 8041



Appendix 1

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 05-13-17C-001

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

- (k)
- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
 - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116555 states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116650 states in relevant part:

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

California Code of Regulations, Title 22 (CCR):**§64534.2. Disinfection Byproducts Monitoring.**

(d) By the applicable date specified in section 64530(d), and in lieu of TTHM and HAA5 monitoring in subsection (a):

- (3) Systems may apply to the State Board to monitor at a reduced frequency in accordance with table 64534.2-D, any time the LRAA is ≤ 0.040 mg/L for TTHM and ≤ 0.030 mg/L for HAA5 at all monitoring locations. In addition, the source water annual average TOC level, before any treatment shall be ≤ 4.0 mg/L at each treatment plant treating approved surface water, based on source water TOC monitoring conducted pursuant to section 64534.6. The application shall include the results of all TOC, TTHM, and HAA5 monitoring conducted in the previous 12 months and the proposed revised monitoring plan as required by section 64534.8. The State Board will evaluate data submitted with the application to determine whether or not the system is eligible for the reduced monitoring specified in table 64534.2-D;

Table 64534.2-D
Reduced Monitoring Frequency for TTHM and HAA5
Minimum monitoring frequency

<i>Source water type</i>	<i>Persons served</i>	<i>Number of distribution system monitoring locations</i>	<i>Monitoring period¹</i>
Systems using approved surface water	≥5,000,000	10 dual sample sets: at the locations with the five highest TTHM and five highest HAA5 LRAAs	per quarter
	1,000,000 – 4,999,999	8 dual sample sets: at the locations with the four highest TTHM and four highest HAA5 LRAAs	per quarter
	250,000 – 999,999	6 dual sample sets: at the locations with the three highest TTHM and three highest HAA5 LRAAs	per quarter
	50,000 – 249,999	4 dual sample sets: at the locations with the two highest TTHM and two	per quarter

Reduced Monitoring Frequency for TTHM and HAA5

		highest HAA5 LRAAs	
	10,000 – 49,999	2 dual sample sets: at the locations with the highest TTHM and highest HAA5 LRAAs	per quarter
	3,301 – 9,999	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement	per year
	500 – 3,300	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter	per year
Systems using only ground water not under direct influence of surface water	≥500,000	4 dual sample sets: at the locations with the two highest TTHM and two highest HAA5 LRAAs	per quarter
	100,000 – 499,999	2 dual sample sets: at the locations with the highest TTHM and highest HAA5 LRAAs	per quarter
	10,000 – 99,999	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during	per year

	the quarter with the highest HAA5 single measurement	
500 – 9,999	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter	per year
<500	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set every third year if the highest TTHM and HAA5 measurements occurred at the same location and quarter	every third year

¹ Systems on quarterly monitoring shall take dual sample sets every 90 days.

§64463.7. Tier 3 Public Notice.

(a) Each water system shall give public notice pursuant to this section if any of the following occurs:

(1) Monitoring violations;

(2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or

(3) Operation under a variance or exemption.

(b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.

(1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.

(2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.

(3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.

(c) Each water system shall deliver the notice in a manner designed to reach persons served within the required time period, as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;
2. Posting in conspicuous public places served by the water system, or on the Internet; or
3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a posting:

1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

(d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:

- (1) Is given no later than one year after the water system learns of the violation or occurrence;
- (2) Includes the content specified in section 64465; and
- (3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c).

§64465. Public Notice Content and Format.

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;

- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail."; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we [*'did not monitor or test'* or *'did not complete all monitoring or testing'*] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time."
- (b) A Tier 3 public notice for a water system operating under a variance or exemption shall include the elements in this subsection. If a water system has violated its variance or exemption conditions, the public notice shall also include the elements in subsection (a).
- (1) An explanation of the reasons for the variance or exemption;
 - (2) The date on which the variance or exemption was issued;
 - (3) A brief status report on the steps the water system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
 - (4) A notice of any opportunity for public input in the review of the variance or exemption.
- (c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:
- (1) For a Tier 1 public notice:
 - (A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and
 - (B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;
 - (2) For a Tier 2 or Tier 3 public notice:
 - (A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
 - (B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:
 1. Information in the appropriate language(s) regarding the importance of the notice; or
 2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
- (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
- (3) Not contain language that minimizes or contradicts the information being given in the public notice.

Appendix 64465-G. Health Effects Language

Disinfection Byproducts, Byproduct Precursors, and Disinfectant Residuals

<i>Contaminant</i>	<i>Health Effects Language</i>
TTHMs [Total Trihalomethanes]:	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.
Haloacetic Acids	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
Bromate	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
Chloramines	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
Chlorine	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
Chlorite	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

Chlorine dioxide (2 consecutive daily samples at the entry point to the distribution system that are greater than the MRDL)	<p>Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.</p> <p><i>Add for public notification only:</i> The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system that delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.</p>
Chlorine dioxide (one or more distribution system samples are above the MRDL)	<p>Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.</p> <p><i>Add for public notification only:</i> The chlorine dioxide violations reported today include exceedances of the State standard within the distribution system that delivers water to consumers. These violations may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.</p>
Control of DBP precursors (TOC)	<p>Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.</p>

Appendix 2



State Water Resources Control Board
Division of Drinking Water

October 3, 2014

Marina West
General Manager
Bighorn-Desert View Water Agency
622 Jemez Trail
Yucca Valley, CA 92284

Dear Ms. West:

**STAGE 2 DISINFECTANT/DISINFECTION BYPRODUCT REDUCED MONITORING
(SYSTEM NO. 3610009)**

The Division of Drinking Water (Division) has received your September 19, 2014 letter that provided annual sample results for total trihalomethanes (TTHM) and five haloacetic acids (HAA5) for Stage 2 Disinfectant/Disinfection Byproduct Monitoring.

As all results are ≤ 0.040 mg/L for TTHM and ≤ 0.030 mg/L HAA5, Bighorn-Desert View Water Agency (Agency) is eligible for reduced monitoring. Title 22, California Code of Regulations, Section 64534.2 (d)(3) provides the reduced frequency. For groundwater only systems and population 500-9,999 the reduced frequency is 1 TTHM and 1 HAA5 sample per year at the location and quarter the highest result occurred.

The Agency has two physically separated areas that are served: Johnson Valley and the main distribution system. The single sample site at Tank 10 for Johnson Valley will need to continue to be sampled for TTHM and HAA5. From the two sites sampled from the main distribution, the highest TTHM site was Station 1 and the highest HAA5 was Station 1. Station 1 can be used to sample for both TTHM and HAA5.

As such, the minimum required monitoring for Stage 2 is annual samples at Tank 10 and Station 1 taken during the peak month July. Please continue to report results hardcopy and by electronic data transfer using the appropriate primary station codes.

Marina West

- 2 -

October 3, 2014

If you have any questions regarding this letter, please contact Andrés Aguirre at (909) 383-4308 or by e-mail at andres.aguirre@waterboards.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Sean F. McCarthy". The signature is fluid and cursive, with the first name "Sean" and last name "McCarthy" clearly legible.

Sean F. McCarthy, P.E.
District Engineer
San Bernardino District
Southern California Field Operations Branch

Appendix 3

Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.7(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting ^(b) on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report¹. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the standard language for monitoring and testing

¹ CCR may be used as long as public notification timing, content, and delivery requirements are met [64463.7(d)].

procedure violations and notification language in italics unchanged. This language is mandatory [64465].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
VOCs ^(a)	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropane; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Monitoring Requirements Not Met for Bighorn-Desert View Water Agency

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During July 2016, we did not monitor for Total Trihalomethanes (TTHMs) and Haloacetic Acids (HAA5s) and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required Sampling Frequency	Number of Samples Taken	When All Samples Should Have Been Taken	When Samples Were or Will Be Taken
TTHM	2 samples annually every July	0	July 2016	July 2017
HAA5	2 samples annually every July	0	July 2016	July 2017

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action].

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- “We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.”
- “We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]”
- “We plan to take the required samples soon, as described in the last column of the table above.”

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by 3610009.

State Water System ID#: _____. Date distributed: _____.

Appendix 4

Drinking Water Notification to Consumers

PROOF OF NOTIFICATION

Name of Water System: _____

Please explain what caused the problem if you have determined what it was and what steps you have taken to correct it. _____

Consumers Notified _____ Yes _____ No

If not, Explain: _____

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

- _____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code. Attach copy of Notice.
- _____ Newspaper (if the problem has been corrected). Attach a copy of Notice.
- _____ Personally hand-delivering a copy to each of the consumers. Attach a copy of Notice.
- _____ Posted on a public bulletin board, that will be seen by each of the consumers (for small, non-community water systems with prior Division approval). Attach copy of Notice.

I hereby declare the forgoing to be true and correct under penalty of perjury.

Dated: _____

Signature of Person Serving Notice

****Notice:** Complete this Proof of Notification and return it along with a copy of the notification to the Division within 10 days of receipt of giving public notice.

Disclosure: Be advised that the California Health and Safety Code states that any person who knowingly makes a false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or be imprisoned in county jail not to exceed one year or by both the fine and imprisonment.